

TO: Michael R. Scolnick, P.C., 175 Burrows Lane, Blauvelt, New York 10913

I acknowledge receipt of your request that I waive service of a summons in the action of:

GLORIA WARE,

Plaintiff.

-against-

TOWN OF HAVERSTRAW, CHARLES MILLER, Chief of the Town of Haverstraw Police Department, POLICE OFFICER JOSE M. MARTINEZ, POLICE OFFICER MICHAEL CRUGER, POLICE OFFICER EDWARD DEVOE, POLICE OFFICER GARY LAZAR, SERGEANT PETER MURPHY, and LIEUTENANT MARTIN LUND,

Defendants,

which is case number 07CIV9243 (KMK) in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after November 30, 2007, or within 90 days after that date if the request was sent outside the United States.

12/13/67 Date

Signature Charles Miller

(as _

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

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It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

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12/17/2007	The state of the s
Date	Signature Vose M. Martinez
	(as) (of

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12/17/01 Date

Signature Michael Crugor
(as ______
(of _____

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12/14/07	Elwel Oelle
Date	Signature Edward DeVoe
	(as)
	(of)

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Signature Peter Murphy
(as SERGERAL)

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ignature Martin Lund

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<u>01/12/08</u> Date

Signature Gary Lazar)
(as __/JALY LAZAR
(of______

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41.11 ACM CLAIMS PAGE 05/33 12/05/2007 15:45 7 15:45 9459421004 Case 7:07-cv-09243-LMS 3^{DLICE}Filed 04/04/2008 Page 8 of 8PAGE 04/31

Fax 845-429-4701

Dec 5 2007 03:22pm PD05

Waiver of Service of Summons

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Federal Rules of Civil Procedure - Rule 4